

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

**IN RE: WYATT & McALISTER PLLC**

**CHAPTER 7 PROCEEDING  
CASE NO. 09-04354-EE**

**STATE OF MISSISSIPPI  
COUNTY OF MADISON**

**AFFIDAVIT RE TECHNICAL DIFFICULTY**

Derek A. Wyatt, being duly sworn, deposed and says:

1. My name is Derek A. Wyatt. I am an adult resident citizen of Madison County, Mississippi, residing at 102 Northlake Lane, Madison, MS 39110.

2. I am over twenty-one years of age, of sound mind, and competent to testify about the matters set out in this Affidavit.

3. I am an attorney, and member in good standing of the Mississippi Bar Association and have practiced law in the state and federal courts of Mississippi and by *pro hac vice* admission or appointment in foreign courts for approximately twenty-seven (27) years.

5. I am an interested party filer in the above captioned Chapter 7 proceeding, appearing as Derek A. Wyatt, *pro se*.

6. On the evening of March 30, 2010, using my own login and password, I attempted to access the CM ECF home page of the court to timely file my response and exhibits to the Emergency Motion to Dismiss Chapter 7 Voluntary Petition ([6]), the deadline for which was 12 AM, March 30, 2010.

7. Due to technical difficulty I was unable to gain access and complete the filing of the response before the 12 AM deadline. For reasons unknown to me, after selecting the "Bankruptcy" tab, and clicking the Answer/Response function, I was unable to progress further. I repeated the same steps several times without success and then logged out, and

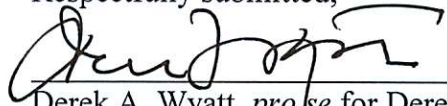
tried to log back in. I was unable to access the CM ECF home page when I tried to log back in, and received "timed out" messages on my browser page each time I attempted. To check for problems with my browser and/or computer, I attempted to log on several other internet sites, and had no difficulty. I then attempted to access and log in to other court ECF sites and was able to log in to the Madison County Chancery Court ECF, and U.S. District Court, S.D. ECF without difficulty. At that point I went back to the Bankruptcy Court CM ECF and again attempted to get access, but could not get the site to load. I continued this periodically for over an hour but was never able to gain access.

8. Due to technical difficulties and matters beyond my control, I was unable to file my response and exhibits ([75]) to the Emergency Motion to Dismiss Chapter 7 Voluntary Petition ([6]), until approximately 6:54 AM, March 31, 2010.

9. At no time did I seek to delay the filing of the response for improper purposes or reasons, and the approximate 7 hour delay beyond the midnight deadline was caused by technical issues over which I had no control. For these reasons, I respectfully request that the court excuse the delay.

**FURTHER AFFIANT SAYETH NOT.**

This the 31<sup>st</sup> day of March, 2010.

Respectfully submitted,  
BY:   
Derek A. Wyatt, *pro se* for Derek A.  
Wyatt, interested party filer

Sworn to and subscribed before me this the 31<sup>st</sup> day of March, 2010.

My commission expires:



  
Notary Public